

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOE LUNA-PUENTES,

Defendant.

3:21-cr-00017-MMD-CLB

Preliminary Order of Forfeiture

This Court finds Joe Luna-Puentes pled guilty to Counts One and Two of a two-count Criminal Indictment charging him in Count One with Theft or Embezzlement in Connection with Health Care in violation of Title 18 United States Code section 669 and in Count Two with Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Indictment, ECF No. 18; Change of Plea, ECF No. 44.

This Court finds Joe Luna-Puentes agreed to the forfeiture of the property set forth in the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 18; Change of Plea, ECF No. 44

This Court finds, pursuant to Federal Rules of Criminal Procedure 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and Count Two, to which Joe Luna-Puentes pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. an INTRATEC TEC-DC9 pistol, serial number 0050715; and
 2. any and all compatible ammunition
- (all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently

1 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
2 32.2(b)(2)(C).

3 This Court finds the United States of America is now entitled to, and should, reduce
4 the aforementioned property to the possession of the United States of America.

5 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
6 DECREED that the United States of America should seize the aforementioned property.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
8 rights, ownership rights, and all rights, titles, and interests of Joe Luna-Puentes in the
9 aforementioned property are forfeited and are vested in the United States of America and
10 shall be safely held by the United States of America until further order of the Court.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
12 of America shall publish for at least thirty (30) consecutive days on the official internet
13 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
14 describe the forfeited property, state the time under the applicable statute when a petition
15 contesting the forfeiture must be filed, and state the name and contact information for the
16 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
17 and 21 U.S.C. § 853(n)(2).

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
19 or entity who claims an interest in the aforementioned property must file a petition for a
20 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
21 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
22 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
23 right, title, or interest in the forfeited property and any additional facts supporting the
24 petitioner's petition and the relief sought.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
26 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
27 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
28 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days

1 after the first day of the publication on the official internet government forfeiture site,
2 www.forfeiture.gov.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
4 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
5 Attorney's Office at the following address at the time of filing:

6 Daniel D. Hollingsworth
7 Assistant United States Attorney
8 James A. Blum
9 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
11 described herein need not be published in the event a Declaration of Forfeiture is issued by
12 the appropriate agency following publication of notice of seizure and intent to
13 administratively forfeit the above-described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
15 copies of this Order to all counsel of record.

16 DATED January 5, 2022.

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19 HON. MIRANDA M. DU
20 CHIEF JUDGE
21 UNITED STATES DISTRICT COURT
22 DISTRICT OF NEVADA
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